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BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE 09/10/2019 – COMBINED AGENDA/REGULAR MEETING

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CALL TO ORDER

The Deputy Mayor called the meeting to order at 8:00 PM. Those assembled saluted the flag and the Deputy Mayor read the Open Public Meetings Act in accordance with the law.

ROLL CALL

Present: Baldassare, Carpenter, Esposito, Harris
Absent: Bianchi
Also Present: Administrator Monaco, Attorney Belardo, Engineer Timko, Municipal Clerk Pisano

AMEND AGENDA

Motion by Harris, second by Esposito, and unanimously agreed to remove Resolution #2019-0370 from the consent agenda and place it as the next order of business.

Motion by Harris, second by Esposito, and unanimously agreed to approve Resolution #2019-0370.

[Resolution #2019-0370](#) - *In Recognition of Anjali Dahiya 2019 Reusable Bag Design Challenge Winner*

WHEREAS, it is the desire of the Township Committee of the Township of Bernards to promote matters which benefit the health, welfare, comfort, and safety of the citizens of the community; and

WHEREAS, Bernards Township wishes to encourage positive, environmentally-sound choices; and

WHEREAS, a substantial quantity of non-biodegradable single use plastic bags ends up as unsightly litter on our roadsides and in our trees, in our storm drains and consequently in our waterways where they can be devastating to marine life and seabirds; and

WHEREAS, plastic bags do not decompose and only break down into smaller pieces that pollute our seas and the Township Committee wishes to promote the use of reusable bags; and

WHEREAS the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey adopted on May 14, 2019 Resolution 2019-0236 endorsing the encouragement of the residents of Bernards Township to use re-usable shopping bags and reduce the number of single use bags that are currently being used; and

WHEREAS, to communicate this need, the Environmental Commission sponsored a *2019 Reusable Bag Design Challenge* for Bernards Township school children with the winning design to be used to decorate re-usable bags and that these bags will be distributed to the residents of Bernards Township, free of charge, while supplies last; and

WHEREAS, Bernards Township school children submitted designs with one student's design selected as the winning design,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby congratulate Anjali Dahiya, whose design will be used on the reusable bags, and congratulate all the participants on their participation and accomplishment.

The resolution was presented to Anjali Dahiya.

CORRESPONDENCE

Letter dated 09/03/2019 from Robert and Andrea Quincy Co-Owners of Ridge Marketing (Q2 Properties LLC) RE: [Permission for Generator Installation](#)

Timko and Belardo provided background information. The lot is unusual in the fact that the building itself is the entire lot. This is because years ago the surrounding property, including the flower beds, became part of the municipal parking lot. Currently, air conditioning units located on the flower bed are on municipal property. The owner seeks permission to install a generator outside the building. Belardo advised an escrow to be established and an easement put in place. All were in favor of Timko working with the owner(s) to prepare an easement and to include the existing air conditioning units.

PUBLIC COMMENT

The Deputy Mayor opened public comment.

Ken Warman – 125 Countryside Dr. commented against all marijuana use in the township.

Andrea Quincy – 53 N. Finley Ave. owner of the property discussed above (91 S. Maple Ave), clarified that they also plan to bring a gas line through the municipal parking lot for the generator. Monaco stated that scheduled repaving of the municipal lot by the township has been delayed so it should not interfere with this work.

Nancy D'Andrea – 3 Vanderveer Ct. commented on marijuana, supporting medical but not recreational use.

Todd Edelstein – 172 Riverside Dr. commented on: Resolution #2019-0384 and mowing of the property; the possible use of blusters to protect units installed at 91 S. Maple Ave; and the Environmental commission's reusable bag contest.

TOWNSHIP COMMITTEE/BOARD REPORTS & STAFF COMMENTS

Committee members and staff reported on their recent activities and boards.

FIRE & RESCUE APPOINTMENT

[Resolution #2019-0373](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad Anjali Kapoor, Full Member

Motion by Esposito, second by Harris, and unanimously agreed that Resolution #2019-0373 be approved.

WHEREAS, pursuant to §2-14.1 and §2-16 .1of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad; and

WHEREAS, the Liberty Corner First Aid Squad is recommending Anjali Kapoor, residing at 36 Independence Drive, Basking Ridge, for appointment as a Full Member.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individual is hereby appointed as a Full Member of the Liberty Corner First Aid Squad effective this date.

UNFINISHED BUSINESS

Nothing listed.

NEW BUSINESS

Consent Agenda

The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, linked to the posted agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

Motion by Harris, second by Esposito, that the consent agenda items be approved.

Roll Call

Aye: Baldassare, Carpenter, Esposito, Harris

Nay:

Abstain:

Motion carried.

*****Begin Consent Agenda*****

Approval of Minutes:

[08/27/2019](#) - Open Session

These minutes were approved for content and release.

08/27/2019 - Executive Session

These minutes were approved for content only.

[Resolution #2019-0371](#) - Approval of the Bill List Dated 09/10/2019

BE IT RESOLVED, that the bill list dated 09/10/2019 be audited, and if found correct, be paid .

September 10, 2019
10:16 AM

TOWNSHIP OF BERNARDS
Check Register By Check Date

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Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 09/10/19 to 09/10/19

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CASH - CHECKING CURRENT CHECKING					
121444	09/10/19	90019 CENTRELLI, DAVID	44.44	1457	Direct Deposit
121445	09/10/19	90220 BETTLER, DENNIS	25.00	1457	Direct Deposit
121446	09/10/19	90228 WARD, SCOTT	89.98	1457	Direct Deposit
121447	09/10/19	90286 BURGER, JON	171.49	1457	Direct Deposit
121448	09/10/19	90309 ROCHE, RICHARD	207.21	1457	Direct Deposit
121449	09/10/19	90544 SANTORO, MICHELLE	23.29	1457	Direct Deposit
121450	09/10/19	90563 CARTOCCIO, KAITLIN	49.49	1457	Direct Deposit
121451	09/10/19	90587 MOORE, DANIEL	90.00	1457	Direct Deposit
121452	09/10/19	B0203 DIFRANCESCO,BATEMAN,KUNZMAN,	1,655.50	1457	Direct Deposit
121453	09/10/19	R0071 RENDA ROADS, INC.	234,759.20	1457	Direct Deposit
121454	09/10/19	A0174 ALL SPORTS STADIUM, LLC	2,720.25	1458	
121455	09/10/19	A0232 ARROW ELEVATOR, INC.	300.00	1458	
121456	09/10/19	A0399 ABSOLUTE AUTO TRUCK SALVAGE CO	466.00	1458	
121457	09/10/19	A0457 ATLAS BUSINESS SOLUTIONS	928.80	1458	
121458	09/10/19	A0471 APEX AMERICAN ELECTRICAL	63,764.00	1458	
121459	09/10/19	A0476 GENERAL BINDING CORPORATION	116.38	1458	
121460	09/10/19	A0545 ASPIRE TECHNOLOGY PARTNERS	14,780.95	1458	
121461	09/10/19	A0611 AMERICAN WEAR, INC	839.28	1458	
121462	09/10/19	A0659 ATD HIGHWAY PRODUCTS LLC	3,168.00	1458	
121463	09/10/19	A0661 AAA ALL SEASONS MAINTENANCE	500.00	1458	
121464	09/10/19	B0001 BAKER & TAYLOR, INC.	3,139.13	1458	
121465	09/10/19	B0026 BERNARDS TOWNSHIP CURRENT	4,414.01	1458	
121466	09/10/19	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	540,184.67	1458	
121467	09/10/19	B0076 BERNARDS TOWNSHIP TRUST FUND	752.42	1458	
121468	09/10/19	B0388 BLACKSTONE AUDIO BOOKS	457.40	1458	
121469	09/10/19	B0518 BERNARDSVILLE HARDWARE	14.48	1458	
121470	09/10/19	B0690 BIBLIOTHECA LLC	3,449.52	1458	
121471	09/10/19	B0756 BRITISH SWIM SCHOOL	4,900.00	1458	
121472	09/10/19	B0758 BCI TRUCK, INC	59.36	1458	
121473	09/10/19	C0008 SCHOLASTIC LIBRARY PUBLISHING	747.50	1458	
121474	09/10/19	C0024 GANNETT NEW JERSEY NEWSPAPERS	24.94	1458	
121475	09/10/19	C0482 OPTIMUM	184.14	1458	
121476	09/10/19	C0636 CENTER POINT LARGE PRINT	93.48	1458	
121477	09/10/19	C0695 CUSTOMINK.COM	287.40	1458	
121478	09/10/19	C0697 BB&T/CPS	62.04	1458	
121479	09/10/19	C0774 COLONIAL LIFE & ACC INSURANCE	922.82	1458	
121480	09/10/19	C0813 CARROLL, MARY	105.00	1458	
121481	09/10/19	D0354 DELAWARE RIVER TUBING, INC	851.00	1458	
121482	09/10/19	D0692 DRILLS, SKILLS & THRILLS	6,360.00	1458	
121483	09/10/19	D0740 DOVER BRAKE & CLUTCH	392.93	1458	
121484	09/10/19	E0284 ENVIROPROBE SERVICE, INC	850.00	1458	
121485	09/10/19	F0047 FULLERTON FORD	10.39	1458	
121486	09/10/19	F0128 FOLEY POWER SYSTEMS	9,979.00	1458	
121487	09/10/19	F0148 FAIRFIELD MAINTENANCE INC	345.00	1458	
121488	09/10/19	F0205 4 IMPRINT	1,272.63	1458	
121489	09/10/19	F0324 FLAGSHIP DENTAL PLANS	455.01	1458	
121490	09/10/19	F0326 FX AUTOMOTIVE LLC	67.50	1458	
121491	09/10/19	F0330 FIDELITY SECURITY LIFE INS	241.99	1458	
121492	09/10/19	F0377 FARKAS, JOEL	150.00	1458	
121493	09/10/19	G0025 GARDEN STATE HIGHWAY PRODUCTS	197.55	1458	
121494	09/10/19	G0066 GRAINGER INC	797.33	1458	
121495	09/10/19	G0098 JCP&L	172.21	1458	
121496	09/10/19	G0138 GENERAL PLUMBING SUPPLY	450.76	1458	
121497	09/10/19	G0333 BEDMINSTER CAR WASH	68.95	1458	
121498	09/10/19	G0497 GARTH, LORI	100.00	1458	
121499	09/10/19	G0500 GREEN BROOK ELECTRONICS	30.92	1458	
121500	09/10/19	G0509 GREEN ROCK RECYCLING	750.00	1458	
121501	09/10/19	G0596 GRIFFITH - ALLIED TRUCKING LLC	9,356.50	1458	
121502	09/10/19	G0613 GURRAM, SRINIVASA & LAKSHMI	2,271.88	1458	
121503	09/10/19	G0614 GRAMAGLIA, GIANCARLO & KELLY	5,374.37	1458	
121504	09/10/19	H0029 HUMPHREYS PEST CONTROL, INC.	973.80	1458	
121505	09/10/19	H0178 HOSE SHOP, INC.	170.97	1458	
121506	09/10/19	H0235 HOOVER TRUCK CENTERS	332.57	1458	
121507	09/10/19	H0246 HOME DEPOT CREDIT SERVICES	79.20	1458	
121508	09/10/19	I0110 LIBRARY LINK NJ	477.50	1458	
121509	09/10/19	I0152 IWS TRANSFER SYSTEMS OF NJ	2,212.00	1458	
121510	09/10/19	I0159 IMPERIAL DADE	1,147.65	1458	
121511	09/10/19	J0179 JJBRIKS,LLC DBA BRICKS 4 KIDZ	920.00	1458	
121512	09/10/19	J0209 JAEGER, PHIL	150.00	1458	
121513	09/10/19	K0074 KNOX COMPANY	10,454.00	1458	
121514	09/10/19	K0259 KONICA MINOLTA PREMIER FINANCE	122.00	1458	
121515	09/10/19	K0334 KONICA MINOLTA BUSINESS	33.38	1458	
121516	09/10/19	K0341 KONICA MINOLTA PREMIER FINANCE	133.02	1458	
121517	09/10/19	K0342 KLYASHTORNEY ALEXANDER & JULIA	5,410.83	1458	
121518	09/10/19	K0350 KAZMI, SYED MI & SEEMI	5,660.88	1458	
121519	09/10/19	L0384 LANG, DIANE	175.00	1458	
121520	09/10/19	L0431 LIGHT PROPERTIES LLC	1,438.02	1458	
121521	09/10/19	M0006 MGL PRINTING SOLUTIONS	715.00	1458	
121522	09/10/19	M0010 MOBILE LAWNMOWER SERVICE, INC.	495.60	1458	
121523	09/10/19	M0091 MCAA OF NJ-TREASURER	90.00	1458	
121524	09/10/19	M0288 M & M WELDING AND STEEL	250.00	1458	
121525	09/10/19	M0441 MAIN LINE COMMERCIAL POOLS,INC	1,043.86	1458	
121526	09/10/19	M0518 KONICA MINOLTA BUSINESS SOL.	252.51	1458	
121527	09/10/19	M0518 KONICA MINOLTA BUSINESS SOL.	387.34	1458	
121528	09/10/19	M0518 KONICA MINOLTA BUSINESS SOL.	31.85	1458	
121529	09/10/19	N0032 NJ STATE DEPT HEALTH/SR SVCS	31.80	1458	
121530	09/10/19	N0296 NJASRO	1,185.00	1458	
121531	09/10/19	N0468 NORCIA CORPORATION	805.22	1458	
121532	09/10/19	O0003 ORIENTAL TRADING COMPANY, INC.	105.66	1458	
121533	09/10/19	O0021 OFFICE DEPOT	653.94	1458	
121534	09/10/19	O0105 O.C.A. BENEFIT SERVICES, LLC	118.80	1458	
121535	09/10/19	O0135 OUTHUSE LLC	460.00	1458	
121536	09/10/19	O0139 OCEAN CASINO RESORT	268.00	1458	
121537	09/10/19	P0046 RESERVE ACCOUNT	2,172.68	1458	
121538	09/10/19	P0546 PETER RUBINETTI PRIVATE DISP	1,533.13	1458	
121539	09/10/19	P0602 PRAXAIR DISTRIBUTION, INC	30.25	1458	
121540	09/10/19	P0654 PLAYPOWER LT FARMINGTON INC	7,222.53	1458	

121541	09/10/19	P0656	PRAKASH, RAJEEV & SONIA	150.00	1458
121542	09/10/19	Q0002	CINTAS CORP. - #062	353.20	1458
121543	09/10/19	R0009	REGENT BOOK COMPANY INC.	17.09	1458
121544	09/10/19	R0023	RICHIES TIRE SERVICE, INC.	3,137.83	1458
121545	09/10/19	R0050	ROTO-ROOTER	615.00	1458
121546	09/10/19	R0136	BRIAN COOKE	3,473.46	1458
121547	09/10/19	R0308	ROUTE 23 AUTO MALL	415.08	1458
121548	09/10/19	R0368	RPTC, LLC	5,580.00	1458
121549	09/10/19	R0534	REP PUMP SERVICES	285.20	1458
121550	09/10/19	S0011	SHERWIN-WILLIAMS COMPANY	3,152.00	1458
121551	09/10/19	S0013	SNAP-ON TOOLS CORPORATION	522.36	1458
121552	09/10/19	S0016	STORR TRACTOR COMPANY	1,664.49	1458
121553	09/10/19	S0035	SIRCHIE FINGER PRINT LAB	63.17	1458
121554	09/10/19	S0191	SOMERSET COUNTY RECYCLING PROG	60,644.59	1458
121555	09/10/19	S0202	SUBURBAN PROPANE	232.31	1458
121556	09/10/19	S0227	SHEARON ENVIRONMENTAL DESIGN	23,788.89	1458
121557	09/10/19	S0378	STAVOLA ASPHALT	135.34	1458
121558	09/10/19	S0628	STATE OF NEW JERSEY-HB	197,989.24	1458
121559	09/10/19	S0691	SUPERIOR DISTRIBUTORS	92.12	1458
121560	09/10/19	S0873	SERVICE PLUS, INC.	3,228.14	1458
121561	09/10/19	S0977	STAVOLA CONSTRUCTION MATERIALS	1,952.88	1458
121562	09/10/19	S1029	SAMSON CONCRETE & MASONRY LLC	2,212.33	1458
121563	09/10/19	T0003	ENVIROTEST LABORATORIES, INC.	2,400.00	1458
121564	09/10/19	T0049	TROPICANA ATLANTIC CITY	244.00	1458
121565	09/10/19	T0051	TRI-COUNTY COURT ADMIN. ASSOC.	30.00	1458
121566	09/10/19	T0066	CENGAGE LEARNING CREDIT SVCS	71.97	1458
121567	09/10/19	T0192	TURN OUT UNIFORMS INC	89.98	1458
121568	09/10/19	T0240	TREASURER-STATE OF NEW JERSEY	500.00	1458
121569	09/10/19	T0372	TLO, LLC	161.15	1458
121570	09/10/19	T0424	TRALIAN, LLC	2,880.00	1458
121571	09/10/19	T0462	TEWKSBURY TWP POLICE DEPT	855.00	1458
121572	09/10/19	U0001	UNITEMP INC.	4,689.31	1458
121573	09/10/19	U0079	US SPORTS INSTITUTE, INC.	3,264.00	1458
121574	09/10/19	U0090	UNUM LIFE INSURANCE COMPANY	349.80	1458
121575	09/10/19	U0119	UNIVERSITY OF WISCONSIN-MADISO	1,095.00	1458
121576	09/10/19	V0020	VILLAGE OFFICE SUPPLY	154.30	1458
121577	09/10/19	V0037	VILLAGE SUPERMARKET, INC.	44.78	1458
121578	09/10/19	V0056	VERIZON WIRELESS	932.99	1458
121579	09/10/19	V0058	VERIZON	1,847.75	1458
121580	09/10/19	V0073	VAIL INDUSTRIAL SUPPLIES	49.25	1458
121581	09/10/19	V0084	VERIZON	156.99	1458
121582	09/10/19	V0124	VERIZON BUSINESS FIOS	569.98	1458
121583	09/10/19	V0177	VERIZON	470.80	1458
121584	09/10/19	W0014	BEYER-WARNOCK FLEET	70.15	1458
121585	09/10/19	W0016	WARRENVILLE TRUE VALUE	977.33	1458
121586	09/10/19	W0241	W.B. MASON CO INC.	910.17	1458
121587	09/10/19	W0339	W.B. MASON	142.20	1458
121588	09/10/19	X0003	XEROX CORPORATION	136.97	1458

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	135	0	1,068,470.47	0.00
Direct Deposit:	10	0	237,115.60	0.00
Total:	145	0	1,305,586.07	0.00

Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	9-01	837,782.30	0.00	0.00	837,782.30
DOG FUND	9-12	3,665.45	0.00	0.00	3,665.45
GOLF COURSE UTILITY	9-26	28,825.95	0.00	0.00	28,825.95
Year Total:		870,273.70	0.00	0.00	870,273.70
CAPITAL FUND	C-04	326,669.06	0.00	0.00	326,669.06
PUBLIC GRANTS	G-02	2,418.16	0.00	0.00	2,418.16
TRUST FUNDS	T-13	106,188.17	0.00	0.00	106,188.17
PROJECTS		36.98	0.00	0.00	36.98
Total Of All Funds:		1,305,586.07	0.00	0.00	1,305,586.07

Agenda and Date Voted: 09/10/2019

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/10/2019.

Rhonda Pisano, Municipal Clerk

Resolution #2019-0372 - Awarding a Professional Services Contract for Professional Planning Services to David Banisch, PP, NJ LIC # 33L100556500 of the firm Banisch Associates In the Not to Exceed Amount of \$10,000.00

WHEREAS, the Township of Bernards requires services for Professional Planning; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, this professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified funds are available in the 2019 Budget line item appropriation account # 9-01-20-110-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to David Banisch, PP, NJ LIC # 33L100556500 of the firm Banisch Associates, 111 Main St, Flemington, NJ 08822.

1. The contract will encompass services as outlined in the submitted proposal dated August 23, 2019.
2. The contract term is from May 15, 2019 - May 14, 2020 at the hourly rate of \$ 148.00 in the not to exceed amount of \$ 10,000.00.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
5. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to Pat Monaco, Township Administrator who will be the chief contact for the Township of Bernards.

NOW THEREFORE BE IT FINALLY RESOLVED, that a copy of the resolution be on file and available for public inspection in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.

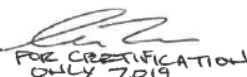
I agree to the terms as stated in the Resolution and by signing this document I, am committed to follow all terms of this award.

David Banisch, PP, NJ LIC # 33L100556500

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$ 10,000.00. Monies are available in line account #9-01-20-110-204.

Date: August 26, 2019



Sean Mc Carthy Chief Financial Officer

[Resolution #2019-0374](#) - *Personnel Appointment Peter D'Alessio – Groundskeeper – Department of Public Works*

WHEREAS, a full time Groundskeeper position became available due to a vacancy; and

WHEREAS, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Peter D'Alessio has applied for and is qualified to fill said position; and

WHEREAS, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Peter D'Alessio to full time Groundskeeper.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Peter D'Alessio be appointed full time Groundskeeper with a hire date of Monday, September 30, 2019 at an hourly rate of \$15.38 for a 40 hour work week. This offer of employment is contingent upon the results of pre-employment screening as per Township policy.

[Resolution #2019-0375](#) - *Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Dance NJ to Use Space Solely as administrative office*

WHEREAS, the Township of Bernards owns the real property identified as Block 8401, Lot 23 (formally known as Block 185, Lot 20.03), consisting of approximately 4.397± acres, and located at 450 King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the “Property”); and

WHEREAS, the Property contains an “English Barn,” “Farm House,” Wagon House,” “Cow Shed,” and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and

WHEREAS, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. (“Friends”) entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the “Lease”), which was thereafter amended to increase the term of the Lease; and

WHEREAS, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and

WHEREAS, by email dated September 3, 2019 the Friends requested approval to permit a lease agreement with Dance NJ for use of space solely as administrative office; and

WHEREAS, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Dance NJ, PO Box 185, Sewaren, NJ 07077, from October 1, 2019 to October 1, 2020.

BE IT FURTHER RESOLVED that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.

Resolution #2019-0376 - *Awarding a Professional Services Contract for Bernards Township Housing Element and Fair Share Plan to David Banisch, PP, NJ LIC # 33L100556500 of the firm Banisch Associates In the Not to Exceed Amount of \$17,000.00*

WHEREAS, the Township of Bernards requires services of a Professional Planner; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, this professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* and Section 2-34 of the “Township Ordinances” as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified funds are available in the 2019 budget line item appropriation account # 9-01-20-155-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to David Banisch, PP, NJ LIC # 33L100556500 of the firm Banisch Associates, 111 Main St, Flemington, NJ 08822.

9. The contract will encompass services as outlined in the submitted proposal dated August 20, 2019.
10. The contract term is from August 1, 2019 through July 31, 2020 at the hourly rate of \$ 148.00 in the not to exceed amount of \$ 17,000.
11. Billings must be rendered by the contractor within 30 days of service delivery.
12. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
13. No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
14. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
15. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
16. The contractor shall report directly to John Belardo, Municipal Attorney, who will be the chief contact for the Township of Bernards on filing with the courts. For work involving amending the Township’s Housing Element

and Fair Share plan, the contractor shall report to Township Engineer Thomas Timko, and Township Administrator Pat Monaco.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

NOW THEREFORE BE IT FINALLY RESOLVED, that and a copy of the resolution be on file and available for public inspection in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.


I agree to the terms as stated in the Resolution and by signing this document I, am committed to follow all terms of this award.

David Banisch, PP, NJ LIC # 33L100556500

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds available in the 2019 operating budget for the above referenced purchase in the amount not to exceed of \$17,000.00. Monies are available in the 2019 budget line account # 9-01-20-155-204.

Date: September 3, 2019


FOR CERTIFICATION
ONLY 2019

Sean McCarthy, Chief Financial Officer

[Resolution #2019-0377](#) - Authorizing and Approving Purchase of Two (2) John Deere Z997R Diesel w/ 72 in. 7 Iron Pro Side Discharge Deck Mowers from ESCNJ Co-Op #18/19-25, Bid # 65MCESCCPS to Deere & Company, 2000 John Deere Run, Cary, NC 27513 In the Amount Not to Exceed \$39,606.84

WHEREAS, the Township of Bernards Public Works Department wishes to purchase two (2) John Deere Z997R Diesel w/ 72 in. 7 Iron Pro Side Discharge Deck Mowers;

QTY	DESCRIPTION	UNIT COST	UNIT TOTAL
2	John Deere Z997R Diesel w/ 72 in. 7 Iron Pro Side Discharge Deck Mowers	\$19,803.42	\$39,606.84
	TOTAL		\$39,606.84

and

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Deere & Company, 2000 John Deere Run, Cary, NC 27513 in the amount of \$39,606.84; and


WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation to be charged is line account #C-04-55-387-H01 (\$39,606.84); and

WHEREAS, the Township is authorized to make purchases through cooperative and State contracts pursuant to N.J.S.A. 40A:11-10 and -12.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to Deere & Company, 2000 John Deere Run, Cary, NC 27513 in the amount not to exceed \$39,606.84.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$39,606.84. Monies are available in the Public Works account #C-04-55-387-H01.


FOR CERTIFICATION
ONLY 2019

Date: September 3, 2019

Sean McCarthy, Chief Financial Officer

Resolution #2019-0378 - Authorizing and Approving Purchase of One (1) American Roll-Off Hoist from ESCNJ Co-Op #17/18-30, Bid # 65MCESCCPS to Omaha Standard LLC, dba American Roll-Off, 572 Whitehead Road, Trenton, NJ 08619 In the Amount Not to Exceed \$44,263.67

WHEREAS, the Township of Bernards Public Works Department wishes to purchase one (1) American Roll-Off Hoist;

QTY	DESCRIPTION	UNIT TOTAL
1	X1020K ARH-75-22 Telescopic Lift Cylinder	\$31,401.27
1	00R-F-WS Wear Strip	\$713.03
1	00R-PTO-HOT Hot shift P.T.O Kit	\$1,200.46
1	00R-AIR-2 Inside Air Controls	\$640.85
1	00-SELECT-VLV-A Air Operated Selector Valve	\$404.25
1	00R-FK-M200 Tandem Plastic Fenders M200 with Bumper	\$916.79
1	00R-LED-LT-KIT Light Kit Tandem Axle	\$471.50
1	00R-LED-STROST4 Strobes with 4-hole module installed	\$336.60
1	00R-SP-K Spots on rear bumper installed	\$245.72
1	00R-TB-XT ARH Steel Tool Box with diamond plate top	\$792.00
1	00-TARP-14KPalfinger Autotarper Steel Arms installed	\$7,141.20
	TOTAL	\$44,263.67

and

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Omaha Standard LLC, dba American Roll-Off, 572 Whitehead Road, Trenton, NJ 08619 in the amount of \$44,263.67; and

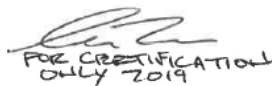
WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation to be charged is line account #C-04-55-417-L01 (\$44,263.67); and

WHEREAS, the Township is authorized to make purchases through cooperative and State contracts pursuant to N.J.S.A. 40A:11-10 and -12.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to Omaha Standard LLC, dba American Roll-Off, 572 Whitehead Road, Trenton, NJ 08619 in the amount not to exceed \$44,263.67.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$44,263.67. Monies are available in the Public Works account #C-04-55-417-L01.


FOR CERTIFICATION
ONLY 2019

Date: September 3, 2019

Sean McCarthy, Chief Financial Officer

Resolution #2019-0379 - Acceptance of Grant and Insertion of Revenue Item Into the 2019 Budget \$5,000 for the Somerset County Youth Services Annual Grant-2019 for the Purpose of Funding the RAAD Youth Leadership Program

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a notice of an award of \$5,000.00 for the Somerset County Youth Services Annual Grant-2019 for the purpose of funding the RAAD Youth Leadership Program and wishes to amend its 2019 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:
Public and Private Revenues Offset with Appropriations:
Somerset County Youth Services Annual Grant-2019

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 total be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Appropriations Offset by Revenues:
Somerset County Youth Services Annual Grant-2019

BE IT FINALLY RESOLVED that the Chief Financial Officer will electronically submit this resolution to the Director of Local Government Services.

[Resolution #2019-0380](#) - *Acceptance of Grant and Insertion of Revenue Item Into the 2019 Budget \$6,000 for the Somerset County Youth Services Competitive Grant-2019 for the Purpose of Funding the Peer Educators Program at William Annin Middle School*

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a notice of an award of \$6,000.00 for the Somerset County Youth Services Competitive Grant-2019 for the purpose of funding the Peer Educators Program at William Annin Middle School and wishes to amend its 2019 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:
Public and Private Revenues Offset with Appropriations:
Somerset County Youth Services Competitive Grant-2019

BE IT FURTHER RESOLVED that a like sum of \$6,000.00 total be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Appropriations Offset by Revenues:
Somerset County Youth Services Competitive Grant-2019

BE IT FINALLY RESOLVED that the Chief Financial Officer will electronically submit this resolution to the Director of Local Government Services.

[Resolution #2019-0381](#) - *Personnel Appointment Amy Pasquariello – Librarian – Reference Services Bernards Township Library*

WHEREAS, the full-time Librarian – Reference Services position became available due to a retirement; and

WHEREAS, the Library Director, Library Board and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Amy Pasquariello has applied for and is qualified to fill said position; and

WHEREAS, the Library Director, Library Board and Human Resources Manager recommend appointment of Amy Pasquariello to the position of full-time Librarian – Reference Services.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Amy Pasquariello be appointed full-time Librarian – Reference Services with a start date of October 1, 2019 at an hourly rate of \$24.00 for a 35-hour work week.

Resolution #2019-0382 - *Award of Purchase Orders for Identified Vendors – Baker & Taylor, Fischer & Son Co. Inc., and JGB Sports, LLC*

WHEREAS, the Township Committee of Bernards has adopted Ordinance #1854 “Known as Pay to Play” and P. L. 2004, Chapter 19; and

WHEREAS, pursuant to the ordinance window contracts determined to exceed \$17,500.00 and within the bid threshold of \$40,000.00 requires governing body approval; and

WHEREAS, the purchasing agent has determined that the value of the expenditures with the vendor(s) listed below will exceed \$17,500.00 in purchases; and

Vendor	Not to Exceed
Baker & Taylor, LLC	\$ 40,000.00
Fischer & Son Co., Inc.	\$ 40,000.00
JGB Sports, LLC	\$ 40,000.00

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance #1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendor listed above to maintain continuity and facilitate the ordering process through December 31, 2019.

Resolution #2019-0383 - *Bernards Township Housing Rehabilitation Program Authorizing and Approving Deferred Loan Agreement to Kathy Marie Denuel, 39 Baldwin Court - Block 9203, Lot 4.11*

WHEREAS, Bernards Township (hereinafter referred to as “Township”) has authorized Central Jersey Housing Resource Center (“CJHRC”) to administer the Bernards Township Housing Rehabilitation Program; and

WHEREAS, Central Jersey Housing Resource Center (CJHRC) is a nonprofit collaboration of businesses, financial institutions, social service agencies, public officials and housing advocates who work to increase the accessibility and availability of affordable housing in Central New Jersey; and

WHEREAS, CJHRC currently operates a centralized housing resource information center in Somerset County and is a HUD certified agency specialized in the state and federal housing regulations; and

WHEREAS, the principal goal of the Bernards Township Housing Rehabilitation Program is to provide funding for affordable unit qualified owners to bring substandard units up to code; and

WHEREAS, Kathy Marie Denuel whose principal address is 39 Baldwin Court Basking Ridge, County of Somerset, in the State of New Jersey 07920 (the “Property”) is an owner of an affordable housing unit; and

WHEREAS, Ms. Denuel has submitted an application to the Bernards Township Housing Rehabilitation Program for funds to be provided by way of a deferred loan to rehabilitate a central air unit and furnace; and

WHEREAS, Ms. Denuel is eligible to receive funding for the rehabilitation of her owner-occupied unit under the program pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq.; and

WHEREAS, the funding will be provided to the Ms. Denuel by way of a ten-year, interest free, amortized depreciating loan in the amount of Eight Thousand Four Hundred and Thirty-Five Dollars (\$8,435.00).

NOW BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby approve the deferred loan agreement for the funds to be used for the rehabilitation on the property as set forth in the Deferred Loan Agreement and Rehabilitation Construction Contract; and


NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that we do hereby authorize the Mayor and Clerk to execute the agreement and other required legal documents with Ms. Denuel on behalf of the Township; and

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards that a copy of this resolution be on file and available for public inspection, in the office of the Bernards Township Municipal Clerk's office, Municipal Building, 1 Collyer Lane, Basking Ridge, New Jersey 07920.

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced loan in the not to exceed amount of \$8,435.00. Monies are available in the 2019 Affordable Housing Trust Fund line account #T-13-56-055-COA.

Date: 09/4/2019



FOR CERTIFICATION
OCT 2019

Sean McCarthy, Chief Financial Officer

Resolution #2019-0384 - *Authorizing Township Second Amendment to Settlement Agreement with Bernards Plaza Associates, LLC and Court Associates, LLC*

WHEREAS, the **TOWNSHIP OF BERNARDS**, a municipal corporation of the State of New Jersey, County of Somerset, having an address at Town Hall, One Collyer Lane, Basking Ridge, NJ 07920 (hereinafter the "Township"); and **BERNARDS PLAZA ASSOCIATES, LLC**, a New Jersey limited liability company, having an address at 820 Morris Turnpike, Short Hills, NJ 07078, (hereinafter "Bernards Plaza"); and **CROWN COURT ASSOCIATES, LLC**, a New Jersey limited liability company, having an address at 820 Morris Turnpike, Short Hills, NJ 07078, (hereinafter "Crown Court"); collectively, the Township, Bernards Plaza and Crown Court shall be referred to as the "Parties," now desire to enter into a Second Amendment to Settlement Agreement; and

WHEREAS, the parties entered into a Settlement Agreement on March 29, 2018 ("Settlement Agreement") that provided for the development of thirty new affordable housing units at Bernards Plaza, development of four new affordable housing units at Crown Court, and the extensions of the affordability controls for 19 existing units at Crown Court; and

WHEREAS, on May 15, 2018, the Township adopted the Rezoning Ordinances as set forth in the Settlement Agreement and the Crown Court Overlay Zone is now codified at Township Code Section 21-79A.1, et seq. and the Multifamily Housing Overlay Zone within the B-5 Zone is now codified at Township Code Section 21-10.8.1.f; and

WHEREAS, on April 18, 2019, Bernards Plaza and Crown Court executed an Amendment to the Settlement Agreement to ensure that the affordable housing units satisfy the applicable regulations, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. and the Amendment to Settlement Agreement is on file with the Township Clerk.

NOW, THEREFORE, BE RESOLVED, that the Second Amendment to the Settlement Agreement is as follows:

1. Establishes certain obligations to effectuate Bernards Plaza's acquisition of Block 8501, Lot 44 (the "Open Space Parcel") from the Township pursuant to Paragraph 3.4 of the Agreement; and
2. The parties agreed to obligations and covenants as set forth in the Second Amendment to Settlement Agreement dated August ____, 2019, including:
 - a. The Township shall mow and shall periodically mow the Open Space Parcel until the date of closing; and
 - b. Upon the Township Committee's approval of this Amendment and the full execution of this Amendment, Bernards Plaza will promptly deposit \$125,000 into the trust account of McElroy Deutsch Mulvaney & Carpenter, LLP ("MDMC") for the acquisition of the Open Space Parcel; and
 - c. Upon notice that the funds have been deposited into MDMC's trust account, the Township shall, as owner of the Open Space Parcel, execute an application (General Permit #17) to the NJDEP Division

of Land Use Regulation for a proposed walking trail. Bernards Plaza shall prepare the application and shall reimburse the Township for its reasonable costs and expenses in reviewing and submitting the application; and

- d. Upon the NJDEP's approval of the proposed walking trail, Bernards Plaza will apply to the Township Planning Board for approval of same. If the Township still owns the Open Space Parcel at that time, the Township will execute the application form as owner, but Bernards Plaza will be the applicant.
 - e. Within forty-five (45) days of the notice that the funds have been deposited into MDMC's trust account, the Township will adopt an ordinance ("Ordinance") amending the zoning of the Open Space Parcel to be part of the B-5 zone district, which would effectively permit private passive and/or active recreational activities. The proposed Ordinance is attached hereto as **Exhibit A**.
 - f. If the required procedures are followed and no appeal of the Ordinance is filed within 45 days after the adoption of the Ordinance, the closing of the Open Space Parcel will occur within the next ten days. At the closing, MDMC will release the \$125,000 from escrow and the Township will convey to Bernards Plaza a Deed for the Open Space Parcel.
3. Other than as set forth above, no other provision of the Agreement is amended, altered or modified by this Amendment.
 4. The Amendment shall be governed by the same terms and provisions as set forth in the Settlement Agreement at Article VIII-Cooperation and Compliance, Article IX-Notices, and Article X-Miscellaneous.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are authorized to execute the Second Amendment to Settlement Agreement.

*****End Consent Agenda*****

Ordinance 2427 - *An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, "Revised Land Use Ordinances", Regarding the Multifamily Housing Overlay Zone within the B-5 Zone – Introduction*
The clerk read the ordinance by title. Motion by Harris, second by Esposito, that Ordinance #2427 be introduced on first reading, referred to the Planning Board and advertised as required by law, with a public hearing on 09/24/2019.

Roll Call

Aye: Baldassare, Carpenter, Esposito, Harris
Nay:
Abstain:
Motion carried.

PUBLIC COMMENT

The Deputy Mayor opened public comment.

None.

ADJOURNMENT

By unanimous consent the meeting adjourned at 8:27 PM

Respectfully submitted,

Rhonda Pisano
Municipal Clerk

James Baldassare, Jr.
Deputy Mayor

Approved: 09/24/2019